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NOTICE OF ALLOWANCE AND FEE(S) DUE

25225 7590 06/10/2009

MORRISON & FOERSTER LLP
12531 HIGH BLUFF DRIVE
SUITE 100
SAN DIEGO, CA 92130-2040

EXAMINER

MONIKANG, GEORGE C

ART UNIT

PAPER NUMBER

2614

DATE MAILED: 06/10/2009

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/578,346

05/05/2006

Kenichi Noma

278542008500

6645

TITLE OF INVENTION: FOLDABLE PORTABLE TERMINAL

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1510	\$300	\$0	\$1810	09/10/2009

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PART B - FEE(S) TRANSMITTAL

**Complete and send this form, together with applicable fee(s), to: Mail Mail Stop ISSUE FEE
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INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

25225 7590 06/10/2009

MORRISON & FOERSTER LLP
12531 HIGH BLUFF DRIVE
SUITE 100
SAN DIEGO, CA 92130-2040

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I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/578,346	05/05/2006	Kenichi Noma	278542008500	6645

TITLE OF INVENTION: FOLDABLE PORTABLE TERMINAL

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1510	\$300	\$0	\$1810	09/10/2009

EXAMINER	ART UNIT	CLASS-SUBCLASS
MONIKANG, GEORGE C	2614	455-575100

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
- ☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, 1 _____
- (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. 2 _____
- 3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE (B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent) : ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☐ Issue Fee
- ☐ Publication Fee (No small entity discount permitted)
- ☐ Advance Order - # of Copies _____

4b. Payment of Fee(s); (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature _____

Date _____

Typed or printed name _____

Registration No. _____

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/578,346	05/05/2006	Kenichi Noma	278542008500	6645
25225	7590	06/10/2009		
MORRISON & FOERSTER LLP 12531 HIGH BLUFF DRIVE SUITE 100 SAN DIEGO, CA 92130-2040				
			EXAMINER MONIKANG, GEORGE C	
			ART UNIT	PAPER NUMBER
			2614	
DATE MAILED: 06/10/2009				

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 32 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 32 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

Notice of Allowability	Application No.	Applicant(s)	
	10/578,346	NOMA ET AL.	
	Examiner	Art Unit	
	GEORGE C. MONIKANG	2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 3/6/2009.
2. ☒ The allowed claim(s) is/are 1-4, 6-12.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☒ Certified copies of the priority documents have been received in Application No. 10/578,346.
 3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| <ol style="list-style-type: none"> 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | <ol style="list-style-type: none"> 5. <input type="checkbox"/> Notice of Informal Patent Application 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance 9. <input type="checkbox"/> Other _____. |
|--|---|

DETAILED ACTION

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Michael Stanley on 5/21/2009.

Claim 8 has been amended to add the limitations **"a closing means for closing the sound emitting holes in a closed state of the both cabinets, provided in the cover cabinet and one or more sound emitting holes for passing a sound wave emitted from the first speaker."**

Therefore claim 8 now reads: A foldable portable terminal comprising a body cabinet and a cover cabinet openably/closably coupled to each other; a microphone and a first speaker disposed on inner surfaces of the body cabinet and the cover cabinet, respectively, in positions opposed to each other with the both cabinets closed; **one or more sound emitting holes for passing a sound wave emitted from the first speaker**; and a second speaker disposed on a rear surface of the cover cabinet; but fails to disclose wherein the microphone is rotatably disposed at an end of the body cabinet and the microphone capable of facing a direction deviating from the cover cabinet in a closed position with the both cabinets closed; **a closing means for closing**

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the sound emitting holes in a closed state of the both cabinets, provided in the cover cabinet

Allowable Subject Matter

1. Claims 1-4 & 6-12 are allowed.
2. The following are examiner's statement of reasons for allowable subject matter:

Referring to claim 1, the Ikeda et al reference (US Patent 6957083 B2) discloses a foldable portable terminal comprising a body cabinet and a cover cabinet openably/closably coupled to each other (fig. 1a); a first speaker disposed in the cover cabinet (fig. 1a: 103); one or more sound emitting holes 22a for passing a sound wave emitted from the first speaker (fig. 1a: 103), provided on an inner surface of the cover cabinet in a position opposed to a sound emitting surface of the first speaker (fig. 1a: 103); one or more openings provided on an inner surface of the body cabinet in a position to be opposed to the sound emitting holes with the both cabinets closed (fig. 1a: 205); a microphone having a sound collecting surface facing the openings, disposed in the body cabinet (fig. 1a: 205); and a second speaker for emitting a sound wave toward a rear surface of the cover cabinet, disposed in the cover cabinet (fig. 1a: 106). The Ikeda et al reference taken alone or in combination with another, does not disclose, teach or fairly suggest a closing means for closing the sound emitting holes in a closed state of the both cabinets, **provided in the cover cabinet** as recited in independent claim 1.

Claims 2-4 depend on claim 1.

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Claim 8 is allowed for the same reason as claim 1.

Claims 9-12 depend on claim 8.

Referring to claim 6, the Ikeda et al reference (US Patent 6957083 B2) discloses a foldable portable terminal, comprising: a body/cabinet and a cover cabinet openably/closably coupled to each other (fig. 1a); a first speaker disposed in the cover cabinet (fig. 1a: 103); one or more sound emitting holes for passing a sound wave emitted from the first speaker (fig. 1a: 103), provided on an inner surface of the cover cabinet in a position opposed to a sound emitting surface of the first speaker (fig. 1a: 103); one or more openings provided on an inner surface of the body cabinet in a position to be opposed to the sound emitting holes with the both cabinets closed (fig. 1a: 205); a microphone having a sound collecting surface facing the openings, disposed in the body cabinet (fig. 1a: 205); a second speaker for emitting a sound wave toward a rear surface of the cover cabinet (fig. 1a: 106), disposed in the cover cabinet; and closing means for closing the sound emitting holes in a closed state of the both cabinets, provided in the body cabinet (fig. 1b: when the cover cabinet is in a closed state, the sound emitting holes are closed), a partition wall for partitioning a first area having the first speaker disposed therein and a second area having the second speaker disposed therein (fig. 4; col. 6, lines 58-65; col. 8, lines 17-27), formed between these two areas inside the cover cabinet wherein the openings and the sound emitting holes are provided in positions to be slightly staggered in a closed state of the both cabinets (fig. 4; col. 6, lines 58-65; col. 8, lines 17-27). The Ikeda et al reference taken alone or in

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combination with another, does not disclose, teach or fairly suggest the partition wall being formed by a rib projecting from one of two inner walls opposed to each other inside the cover cabinet toward the other inner wall, and a cushion member intervening between an end of the rib and the other inner wall as recited in independent claim 6.

Referring to claim 7, the Ikeda et al reference (US Patent 6957083 B2) discloses a foldable portable terminal, comprising: a body/cabinet and a cover cabinet openably/closably coupled to each other (*fig. 1a*); a first speaker disposed in the cover cabinet (*fig. 1a: 103*); one or more sound emitting holes for passing a sound wave emitted from the first speaker (*fig. 1a: 103*), provided on an inner surface of the cover cabinet in a position opposed to a sound emitting surface of the first speaker (*fig. 1a: 103*); one or more openings provided on an inner surface of the body cabinet in a position to be opposed to the sound emitting holes with the both cabinets closed (*fig. 1a: 205*); a microphone having a sound collecting surface facing the openings, disposed in the body cabinet (*fig. 1a: 205*); a second speaker for emitting a sound wave toward a rear surface of the cover cabinet (*fig. 1a: 106*), disposed in the cover cabinet; and closing means for closing the sound emitting holes in a closed state of the both cabinets, provided in the body cabinet (*fig. 1b: when the cover cabinet is in a closed state, the sound emitting holes are closed*), a partition wall for partitioning a first area having the first speaker disposed therein and a second area having the second speaker disposed therein, formed between these two areas inside the cover cabinet wherein the openings and the sound emitting holes are provided in positions to be slightly staggered

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in a closed state of the both cabinets (*fig. 1a: 100*), wherein the cover cabinet comprises an inner cabinet half forming the inner surface of the cover cabinet and a rear cabinet half forming the rear surface of the cover cabinet (*fig. 4; col. 6, lines 58-65; col. 8, lines 17-27: there is a first inner case 109 and a second outer case 110 that are joined together and form the cover case*), joined to each other (*fig. 4; col. 6, lines 58-65; col. 8, lines 17-27: there is a first inner case 109 and a second outer case 110 that are joined together and form the cover case*). The Ikeda et al reference taken alone or in combination with another, does not disclose, teach or fairly suggest the partition wall being formed by a first projection projecting from the inner cabinet half, a second projection projecting from the rear cabinet half and being opposed to the first projection, and a seal member intervening between the both projections as recited in independent claim 7.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to GEORGE C. MONIKANG whose telephone number is (571)270-1190. The examiner can normally be reached on M-F. alt Fri. Off 7:30am-5:00pm (est).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chin Vivian can be reached on 571-272-7848. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/George C Monikang/
Examiner, Art Unit 2614

5/20/2009

/Vivian Chin/
Supervisory Patent Examiner, Art Unit 2614